



IFJL

PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

March 20, 2008

Applicant: Satoshi FURUTA

For: METHOD FOR MANUFACTURE OF ESTERS BY TRANSESTERIFICATION

Serial No.: 10/558 935 Group: 1621

Confirmation No.: 6397

Filed: December 1, 2005 Examiner: Katakam

International Application No.: PCT/JP2004/009250

International Filing Date: June 23, 2004

Atty. Docket No.: 4700.P0320US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Adjustment date: 05/05/2008 CKHLOK
12/28/2007 TNGUYEN2 00000008 10558935
02 FC:1252

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

UNDER 37 CFR 1.181

Repln. Ref: 05/05/2008 CKHLOK 0013043700
DAH:061382 Name/Number:10558935
FC: 9204 Sir: \$460.00 CR

STATEMENT OF FACTS

On December 26, 2007, a Request for Continued Examination transmittal was filed with a two-month extension fee based on the mailing date of July 26, 2007 of the final rejection. On January 22, 2008, an Amendment Before First Office Action complying with the submission requirement under 37 CFR 1.114 was filed with the Patent Office to complete the filing requirements for a Request for Continued Examination. On February 20, 2008, a Notice of Improper Request for Continued Examination was mailed from the Patent Office indicating that the Request for Continued Examination was not accompanied by a submission as required by 37 CFR 1.114. On February 25, 2008, the date our office received the Notice of Improper Request for Continued Examination, a call was placed to the Patent Office to inform the Examiner handling the present application that the submission required under 37 CFR 1.114 was indeed mailed to the Patent Office on January 24, 2008. The Examiner agreed that everything appeared to be in order and that he

05/05/2008 CKHLOK 00000005 061382 10558935

01 FC:1253

1050.00 DA
(00102752.DOC)

would contact Applicant's representative if there were any problems. On March 17, 2008, Applicant's representative received a Notice of Abandonment dated March 14, 2008, based on Applicant's failure to timely file a proper reply under 37 CFR 1.113(a) to the final rejection.

MPEP § 706.07(h)IIIA1 specifically states that, "If prosecution in the application is not closed, applicant will be notified of the improper RCE and any amendment/reply will be entered. Thereafter, the application will be forwarded to the examiner for consideration of the amendment/reply under 37 CFR 1.111." Since the amendment corresponding to the submission requirement under 37 CFR 1.114 was filed on January 24, 2008, before the six month abandonment date, the improper RCE was cured and the case should not have been abandoned. Enclosed herewith for the Petition Examiner's benefit is a copy of the image file wrapper from the U.S. Patent Office website showing the dates of the above-discussed documents.


RELIEF REQUESTED

Applicant respectfully requests withdrawal of the abandonment of the present application and the returning of it to the Examiner for further prosecution.

The Commissioner is hereby authorized to charge any additional fee which may be required by this paper, or to credit any overpayment, to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

IN DUPLICATE


Terryenze F. Chapman

TFC/smd

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

| REQUEST FOR PATENT FEE REFUND | | | | | | | | | | | | | | | | |
|---|-----------------------------------|----|---|---|---|-----------------|-----------|-----------|--|---|---|----|---|---|---|---|
| 1 Date of Request: 05/03/08 | | | | 2 Serial/Patent # 10558935 | | | | | | | | | | | | |
| 3 Please refund the following fee(s): | | | | 4 PAPER NUMBER | | 5 DATE FILED | | 6 AMOUNT | | | | | | | | |
| | Filing | | | | | | | \$ | | | | | | | | |
| | Amendment | | | | | | | \$ | | | | | | | | |
| X | Extension of Time | | | | | | | \$ 460.00 | | | | | | | | |
| | Notice of Appeal/Appeal | | | | | | | \$ | | | | | | | | |
| | Petition | | | | | | | \$ | | | | | | | | |
| | Issue | | | | | | | \$ | | | | | | | | |
| | Cert of Correction/Terminal Disc. | | | | | | | \$ | | | | | | | | |
| | Maintenance | | | | | | | \$ | | | | | | | | |
| | Assignment | | | | | | | \$ | | | | | | | | |
| | Other | | | | | | | \$ | | | | | | | | |
| | | | | 7 TOTAL AMOUNT OF REFUND | | | \$ 460.00 | | | | | | | | | |
| | | | | 8 TO BE REFUNDED BY: | | | | | | | | | | | | |
| | | | | Treasury Check | | | | | | | | | | | | |
| | | | | X Credit Deposit A/C #: | | | | | | | | | | | | |
| | | | | 9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">0</td> <td style="width: 20px;">6</td> <td style="width: 20px;">--</td> <td style="width: 20px;">1</td> <td style="width: 20px;">3</td> <td style="width: 20px;">8</td> <td style="width: 20px;">2</td> </tr> </table> | | | | | | 0 | 6 | -- | 1 | 3 | 8 | 2 |
| 0 | 6 | -- | 1 | 3 | 8 | 2 | | | | | | | | | | |
| 10 REASON: | | | | | | | | | | | | | | | | |
| X | Overpayment | | | | | | | | | | | | | | | |
| | Duplicate Payment | | | | | | | | | | | | | | | |
| | No Fee Due (Explanation): | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| 11 REFUND REQUESTED BY: | | | | | | | | | | | | | | | | |
| TYPED/PRINTED NAME: Christina Tartera Donnell | | | | TITLE: Petitions Attorney | | | | | | | | | | | | |
| SIGNATURE: /christina tartera donnell/ | | | | PHONE: 571-272-3211 | | | | | | | | | | | | |
| OFFICE: Office of Petitions - 4700 | | | | | | | | | | | | | | | | |
| ***** THIS SPACE RESERVED FOR FINANCE USE ONLY: ***** | | | | | | | | | | | | | | | | |
| APPROVED: | | | | DATE: 5/5/08 | | | | | | | | | | | | |

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: